

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Gilbert Davis,

Civil No. 10-2638 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Minneapolis Public Schools, Char  
Algeo, Sylvia Luster, and Rosemary  
Dedrich,

Defendants.

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Gilbert Davis, *Pro Se*, Plaintiff.

Jeffrey A. Hassan, Esq., Jeffrey A. Hassan, PLC, counsel for Defendants.

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This matter is before the Court upon Plaintiff Gilbert Davis's ("Plaintiff") objections (Doc. Nos. 85 and 86) to Magistrate Judge Jeffrey J. Keyes's October 13, 2011 Report and Recommendation (Doc. No. 84) insofar as it recommends that:

(1) Defendants' Motion for Summary Judgment be granted and (2) this case be dismissed with prejudice. Defendants responded to Plaintiff's objections. (Doc. No. 88.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

The Court has carefully reviewed the record and concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. Plaintiff objects to the Magistrate Judge's Report and Recommendation on several grounds. Many of Plaintiff's objections, however, are directed to arguments made by Defendants in support of their motion for summary judgment and do not directly implicate any findings or conclusions in the Magistrate Judge's Report and Recommendation. In addition, several objections relate to factual matters that were not relied upon by the Magistrate Judge or were not material to the conclusions in the Report and Recommendation. Plaintiff does object to certain findings in the Report and Recommendation, namely the conclusions that Plaintiff could not establish a hostile work environment, that Plaintiff did not suffer an adverse employment action, and that the Minneapolis Public Schools proffered a legitimate non-discriminatory reason for its actions. These conclusions are amply supported by the record. Therefore, based upon the Court's *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Plaintiff Gilbert Davis's objections (Doc. Nos. [85] and [86]) to Magistrate Judge Jeffrey J. Keyes's October 13, 2011 Report and Recommendation are **DENIED**.
2. Magistrate Judge Jeffrey J. Keyes's October 13, 2011 Report and Recommendation (Doc. No. [84]) is **ADOPTED**.
3. Defendants' Motion for Summary Judgment (Doc. No. 62) is **GRANTED**.

4. This case is **DISMISSED WITH PREJUDICE.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 8, 2011

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge